US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
2175 University Avenue, Suite 201E
Fairbanks, Alaska 99709-4910

PUBLIC NOTICE DATE: April 22, 2009

EXPIRATION DATE: May 21, 2009

REFERENCE NUMBER: POA-2009-165

WATERWAY: Goldstream Creek

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact **Debby McAtee** at (907) 907-474-2166, or by email at **Debby.J.McAtee**@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. David C. Bohart, Post Office Box 10466, Fairbanks, Alaska 99710

LOCATION: The project site is located within Section 34, T 2 N., R. 1 W., Fairbanks Meridian; USGS Quad Map Fairbanks D-2; Latitude 64.9509° N., Longitude 147.717° W.; near Fairbanks, Alaska.

PURPOSE: The applicant's stated purpose is to construct a cabin subdivision to provide inexpensive rental housing for the Fairbanks area. The proposed project includes 25 dry cabins with parking and above ground holding tank outhouses, five roads, a washateria with septic system, and a mobile home site for caretaker.

PROPOSED WORK: The proposed project would result in the discharge of approximately 7,725 cubic yards (cy) of fill material into approximately 1.9 acres of wetlands. All work would be performed in accordance with the enclosed plan (sheets 1-13), dated April 15, 2009.

ADDITIONAL INFORMATION: The applicant plans to construct the subdivision in two phases. Phase I would develop Lots 1, 2, and the northern half of Lot 3 over the next three years. Within the following two years, if the rental market remains strong, applicant would continue with Phase II, developing the south half of Lot 3, and Lots 4 and 5.

Phase I:

Phase I includes Access Road, two cross-roads, two driveways with turnarounds, 15 cabin pads/parking/outhouse pads, one mobile home pad/parking, a washateria with parking and septic system:

- Access Road: (average depth of fill: 2 feet) (see sheets 2, 4 and 6)
  - First 321′ of road (Goldstream Road to TL-1 Driveway) is already constructed. Surface leveling may be required but no widening.
  - The next 300′ section of access road (south of TL-1 driveway) is constructed but needs to be widened approximately 9 feet to make the road 23′ at base.
    - 300′ x 9′= **2700 square feet (sf)** and **375 cubic yards (cy)** fill material and road topping
  - Continue access road by constructing an additional 685′ of road with turnaround. This access road would be extended during Phase II.
    - 685′ x 23′= **15755 sf** and **1167 cy** fill material

- Cross-roads: (average depth of fill: 2 feet) (see sheets 4 and 6)
  - Construct 2 of the 4 proposed cross roads:
    - 290′ x 23′= **6670 sf** and **494 cy** fill material
    - 260′ x 23′= **5980 sf** and **443 cy** fill material
  - Construct 1 cross road turnaround at end of 260′ road:
    - 30′ x 23′= **690 sf** and **51 cy** fill material

- Driveways and Turnarounds: (average depth of fill: 18″) (see sheets 4 and 7)
  - Construct 2 driveways with driveway turnarounds
    - Driveway: 90′ x 16′ = 1440 sf x 2 = **2880 sf** and **160 cy** fill material
    - Turnaround: 30′ x 16′ = 480 sf x 2 = **960 sf** and **53 cy** fill material

- Cabin pads, cabin parking, and outhouse pads: (see sheets 3, 8 and 9)
  - Construct 11 cabins on pilings: (6 pilings per cabin, no fill material)
    - 6 x .8 sf per piling = 4.8 sf x 11 = **53 sf**
  - Construct 4 cabins on pads: (average depth of fill: 1 foot)
    - 20′ x 27′ = 540 sq. ft x 4 = **2160 sf** and **80 cy** fill material
  - Construct 15 cabin parking pads: (average depth of fill: 2 feet)
    - 20′ x 25′ = 500 sf x 15 = **7500 sf** and **556 cy** fill material
  - Construct 15 outhouse pads: (average depth of fill: 2 feet)
    - 6′ x 7′ = 42 sf x 15 = **630 sf** and **47 cy** fill material

- Mobile home pad and Parking: (see sheets 3 and 10)
  - Construct pad for caretaker mobile home: (average depth of fill: 1 foot)
    - 18′ x 50′ = **900 sf** and **33 cy** fill material
  - Construct parking for mobile home: (average depth of fill: 2 feet)
    - 20′ x 25′ = **500 sf** and **37 cy** fill material

- Washateria and Parking: (see sheets 3, 11, 12 and 13)
  - Construct washateria on pilings: (8 pilings, no fill material)
    - 10 x .8 sf = **8 sf**
  - Construct parking for washateria: (average depth of fill: 2 feet)
    - 60′ x 25′ = **1500 sf** and **111 cy** fill material
  - Construct Septic system: (estimate including pipe installation)
    - **11236 sf** and **2451 cy** fill material
  - Construct Walkway (20 concrete pavers) to honey bucket dump site:
    - 8″ x 16″ x 20 = **18 sf** and no fill material

Total impacts for Phase I: 1.38 acres (60,140 sf) / 6,058 cy

- Roads: 35,635 sf / 2,743 cy
- Cabin sites: 10,343 sf / 683 cy
- Mobile home/washateria: 14,162 sf / 2,632 cy

Phase II:
Phase II would include continuation of the Access Road, two additional cross-roads, and an additional ten cabins with parking and outhouse pads:

- Roads: (average depth of fill: 2 feet) (see sheets 3, 5 and 6)
  - Construct final 215′ of new access road.
    - 215′ x 23′= **4945 square feet (sf)** and **366 cubic yards (cy)** fill material
  - Construct 2 additional cross roads:
    - 288′ x 23′= **6624 sf** and **491 cy** fill material
    - 180′ x 23′= **4140 sf** and **307 cy** fill material
  - Construct 2 additional cross road turnarounds:
    - 30′ x 23′= 690 sf x 2 = **1380 sf** and **102 cy** fill material

- Cabins, cabin parking, and outhouse pads: (see sheets 3, 8 and 9)
  - Construct 10 cabins on pilings: (6 pilings per cabin, no fill material)
    - 6 x .8 sf per piling = 4.8 sf x 10 = **48 sf**
  - Construct 10 cabin parking pads: (average depth of fill: 2 feet)
    - 20′ x 25′ = 500 sf x 10 = **5000 sf** and **370 cy** fill material
  - Construct 10 outhouse pads: (average depth of fill: 2 feet)
    - 6′ x 7′ = 42 sf x 10 = **420 sf** and **31 cy** fill material

Total impacts for Phase II: 0.52 acres (22,557 sf) / 1,667 cy

- Roads: 17,089 sf / 1,266 cy
- Cabin sites: 5,468 sf / 401 cy

All above mentioned fill material would be hauled in by truck. Typar filter fabric would be placed on the ground under all driving surfaces to prevent fill from being forced into the tundra. Base material would be course mine tailings. The top 3" to 6" of all roads, driveways, and parking areas would be fine mine tailings. The material would be spread with a dozer and or a skid steer. The final road surface would be shaped and crowned with a road grader and compacted to 90% with a roller compactor.

An 18" culvert would be installed across each crossroad at its intersection with the main Pioneer Access Road to allow for proper drainage. All natural drainage would be maintained with 18' culverts as needed. (see sheets 2-9)

T Turnarounds are proposed for construction at the end of each Crossroad (rather than a cul-de-sac) to minimize impacts to wetlands. Construction would be the same as the roads.

Some of the cabins would be built off site and moved in and some would be built on site. Where cabins are built on site there would be some short term impact to wetlands. In these situations the natural vegetation would be replanted with native plant species. No equipment would be used off developed roads and pads.

Septic system calculations and plans are for a "typical" mounded system. Applicant is aware that system must be designed by an engineer and approved by Alaska Department of Conservation.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

a. Avoidance:
   - The applicant states since the entire parcel is in wetlands, the only way to avoid wetlands is to abandon the project. The applicant owns this property.

b. Minimization: The applicant proposes the following steps to minimize impacts to wetlands:

- The minimum usable width roads, driveways and parking areas are planned for this project to minimize impacts.
- Typar filter fabric would be laid under all driving surfaces of roads and parking areas to minimize the amount of gravel needed to prevent pumping, and to prevent any fine material in the fill from leaching into surface water.
- The tundra mat would not be cut, if possible. The land is fairly flat with a gentle slope. Therefore, filling over the top of existing terrain would be the best method of construction. Some surface water should still filter under roads and pads which will help to minimize impact on these wetlands.
- Rather than using cul-de-sac turnarounds at the end of long drive ways and each road, a "T" turnaround is proposed.
  - o A cul-de-sac would have a 1,849 sq. ft. footprint and require 137 cubic yards of fill material.
  - o A T turnaround would only have a 640 sq ft footprint and require 40 cubic yards of fill material.
- Filter fabric fences would be constructed to trap any dirt runoff from fill and construction and to prevent contamination of waterways.
- This plan proposes small cabin pads to minimize impact.
- Having one septic system for this overall project, rather than having several small systems, would also minimize the impact to wetlands. This public septic system proposed for Lot #2 would have a dumping station for honey buckets (if people choose to use them) and grey water buckets.
- The tundra mat would not be punctured to install pit type outhouses. Large holding tank outhouses would be placed at each dry cabin. With 150-200 gallon holding tanks these toilets should be able to last the winter without being pumped. Nevertheless, they will have tank heaters so they can be thawed and pumped if needed. Using holding tank outhouses would prevent additional sewage load on wetlands.
- Some of the cabins would be built on site so there would be some short term impact from construction. Impacts would be minimal and no heavy equipment would be used off constructed roads and pads. Applicant states he would do everything possible to minimize impacts to the tundra. In situations where the tundra may be damaged, it would be re-vegetated with natural species.
- All natural drainages would be maintained with 18" culverts as needed.
- No other developments are planned for this subdivision. The rest of the property would remain in its natural state.
- The project was designed to try to keep the total footprint of this project to 25% or less of the parcel acreage.

c. Compensatory Mitigation:

- Applicant states this would be a small project, affecting less than 25% of the total parcel and does not think it should warrant compensation.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

Preliminarily, the described activity will not affect EFH in the project area. This Public Notice initiates EFH consultation with the NMFS. Any comments or recommendations they may have concerning EFH will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced

against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings and Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

SARAH PALIN, GOVERNOR

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

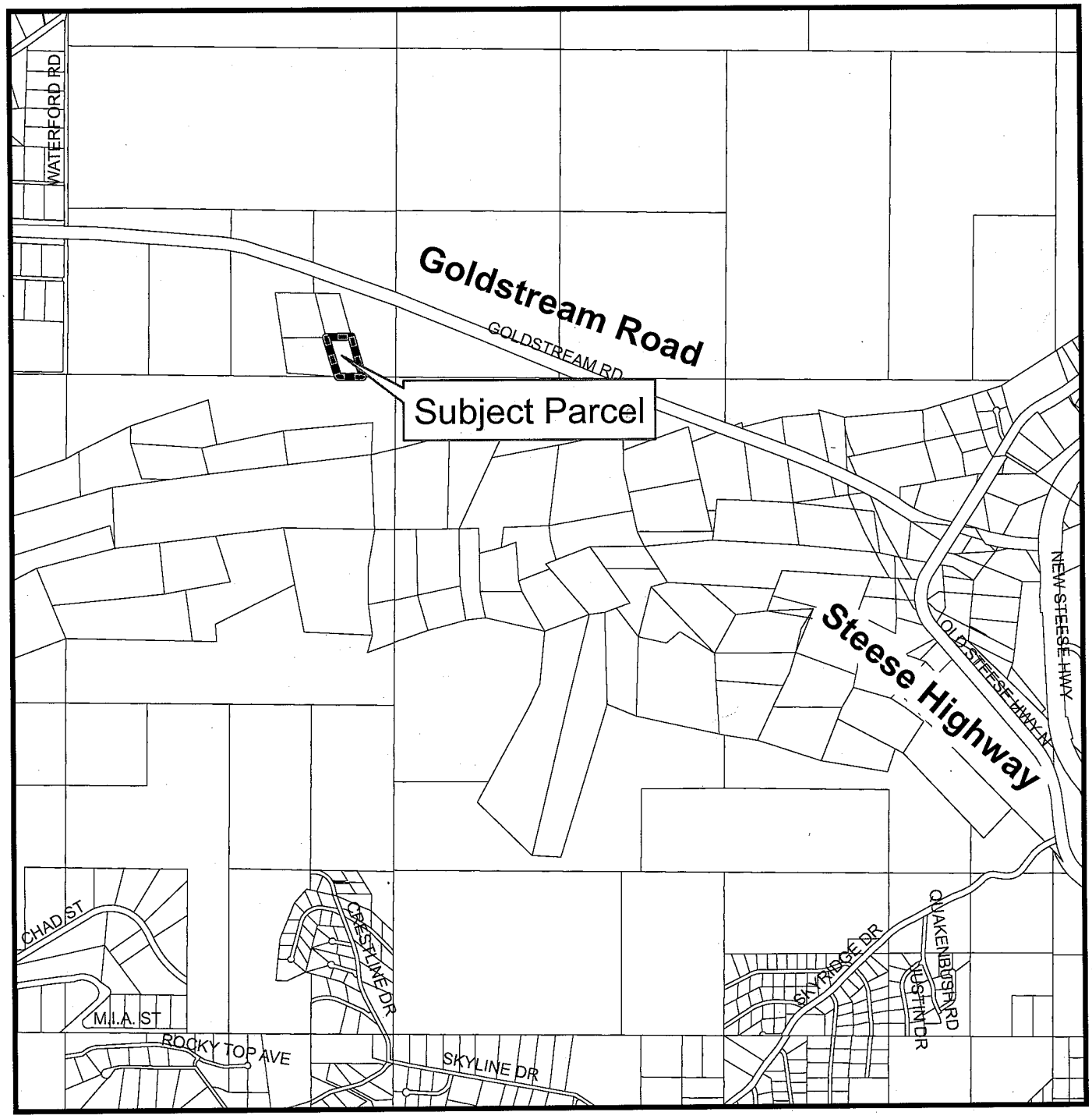
Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2009-165-4, Goldstream Creek**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.

Vicinity Map for POA-2009-165



Vicinity Map

4/15/2009 Page 1 of 13

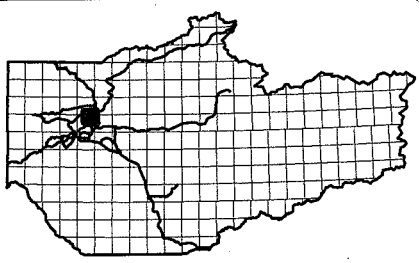
Legend

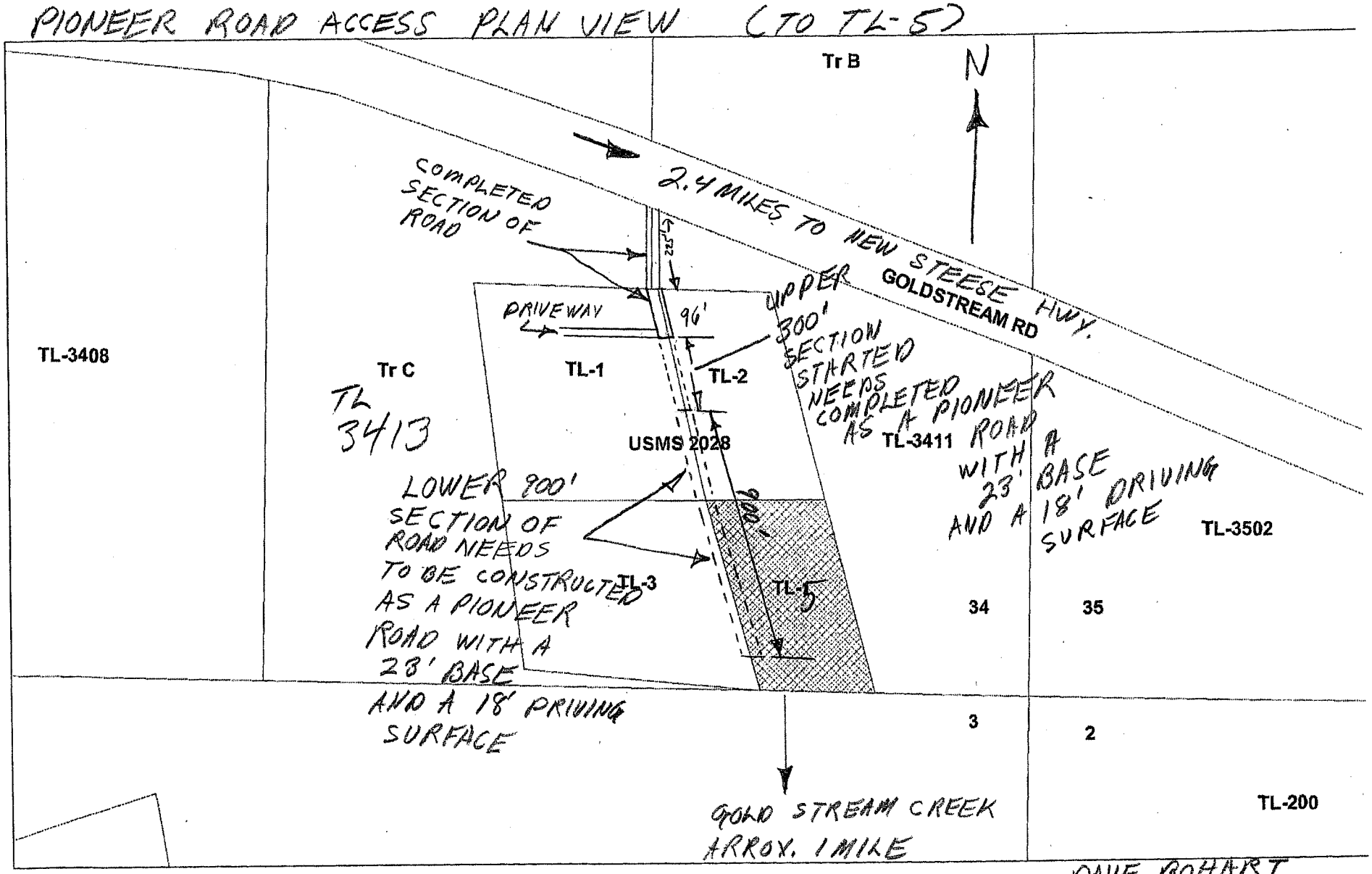
POA-2009-165

FNSB Tax Parcels

Fairbanks Field Office
ArcGIS 9.1 Map
Compiled By: djmc
Date: 13 April 2009

Scale: 1:27,599
1 inch equals 2,300 feet

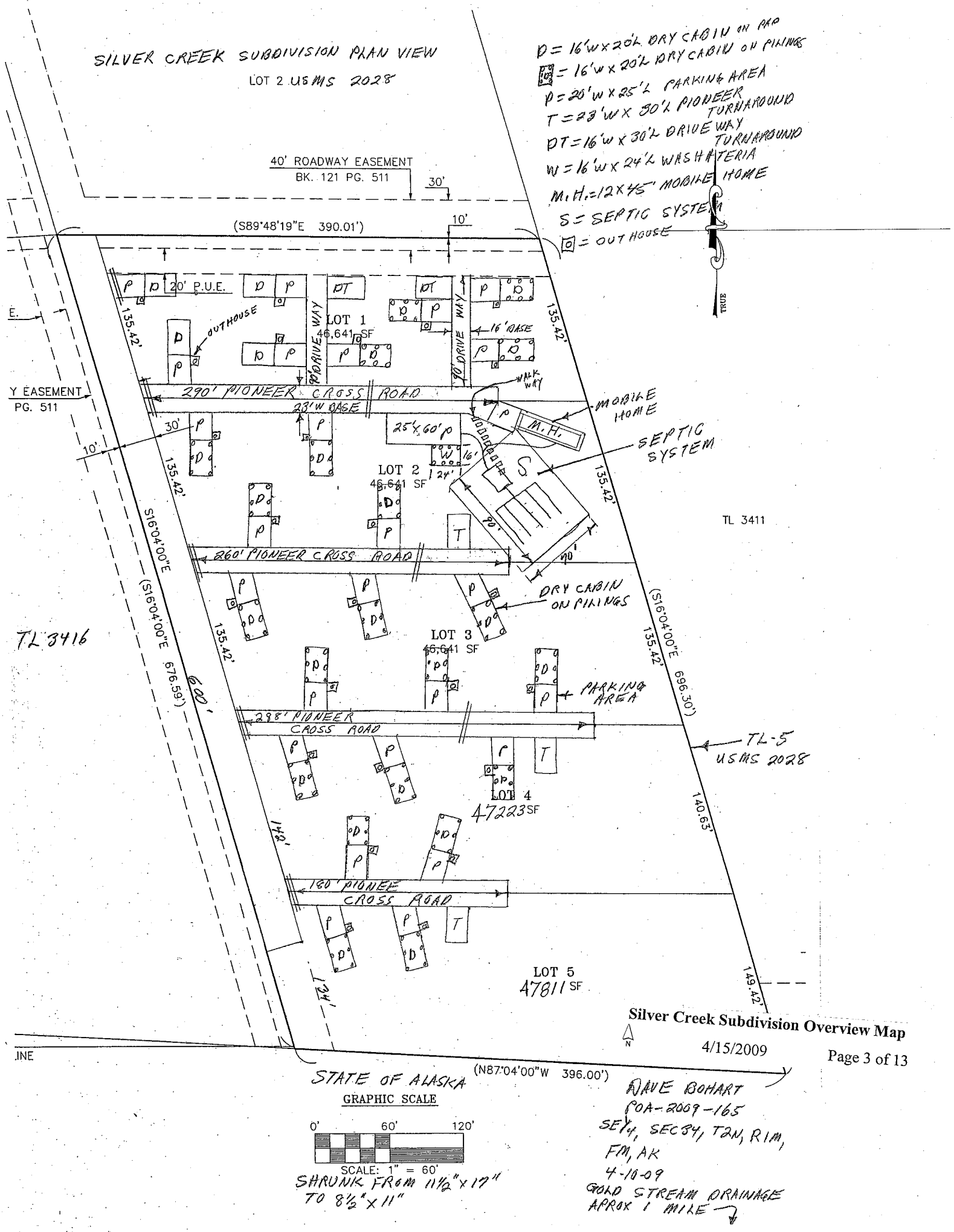




Access Road Overview Map

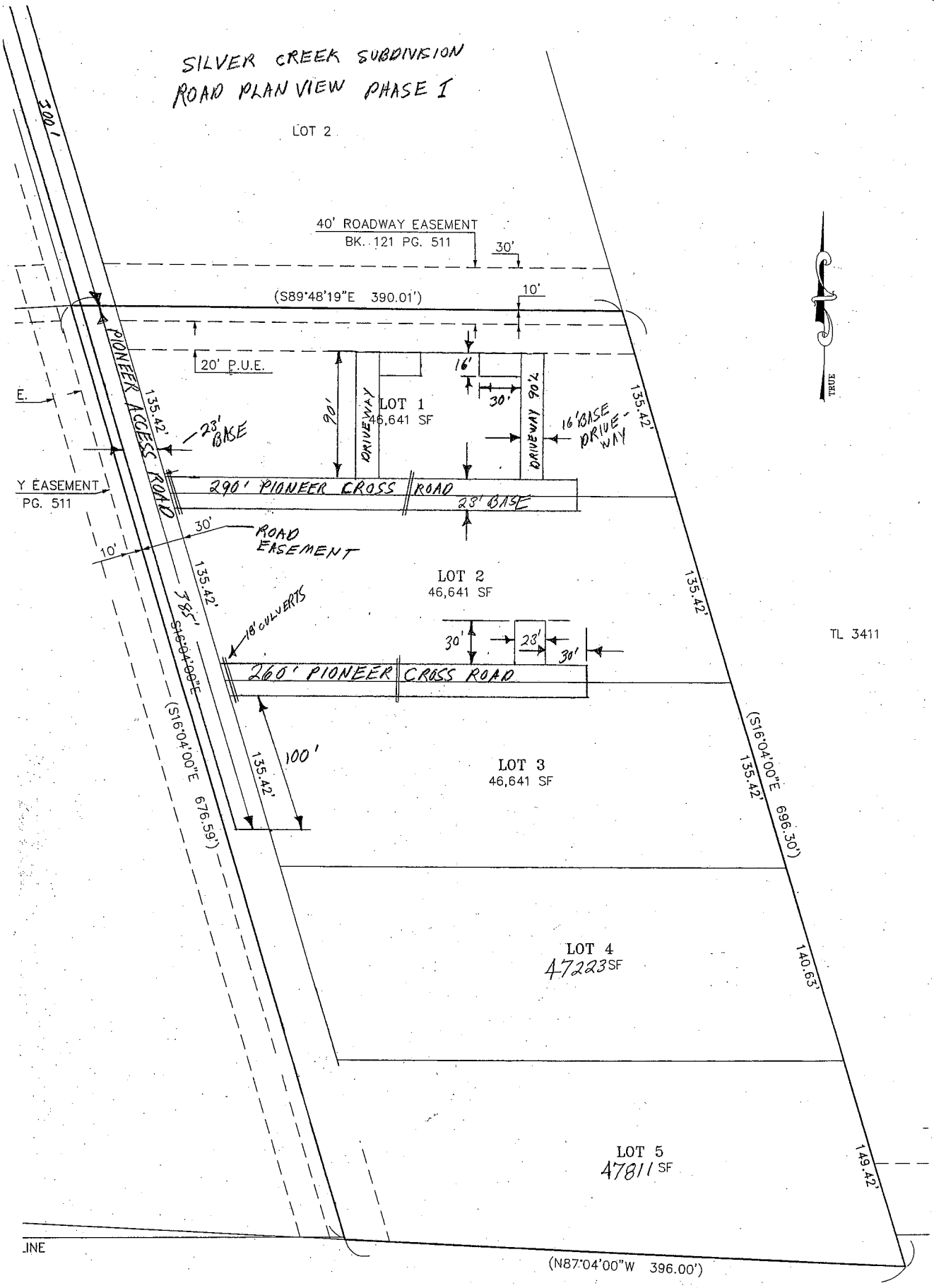
4/15/2009 Page 2 of 13

DAVE BOHART
POA-2009-165
SILVER CREEK SUBDIVIS.
SE¼, SEC 34, T2N, R1W, FM, AK

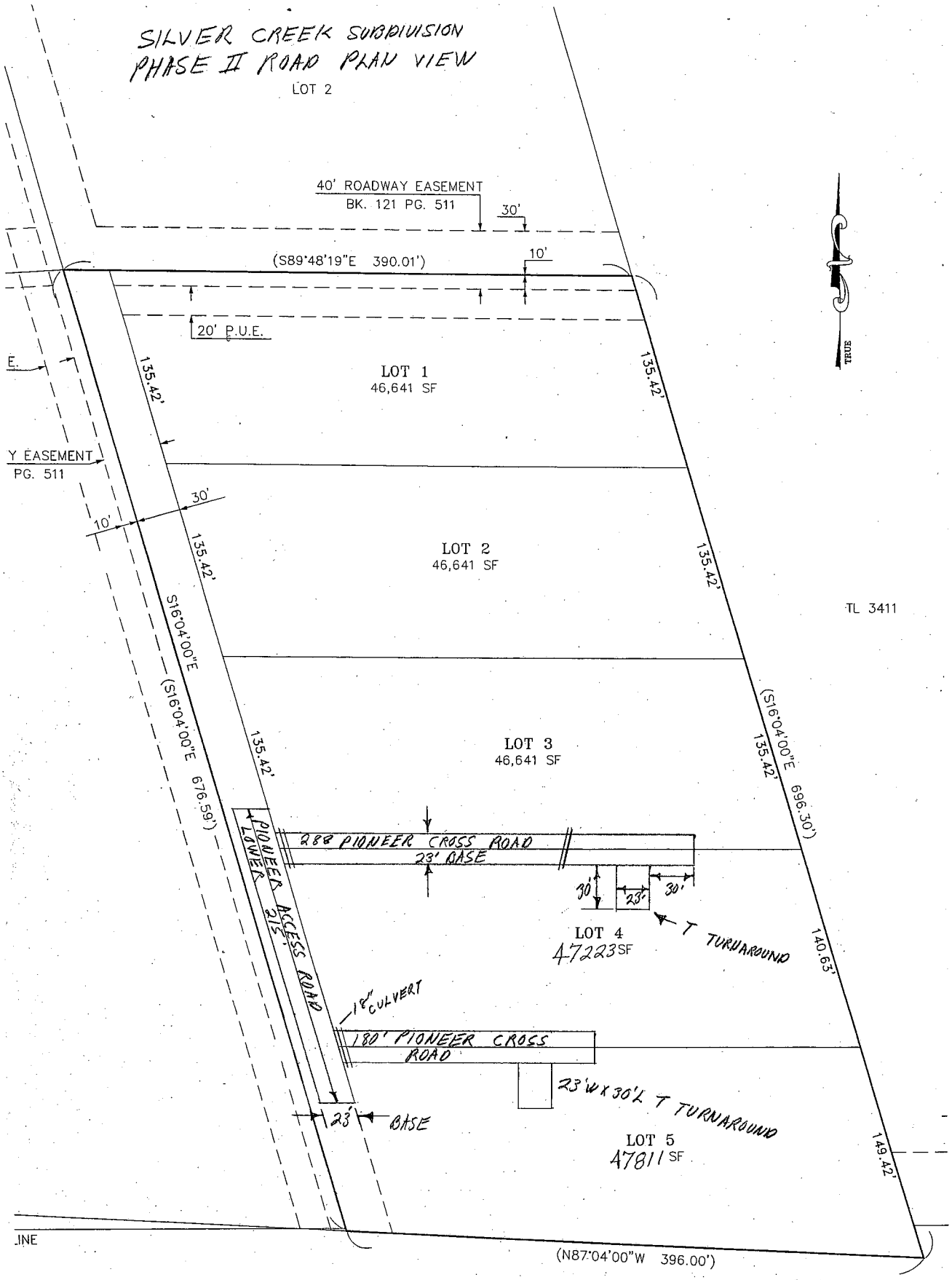


Silver Creek Subdivision Overview Map

4/15/2009



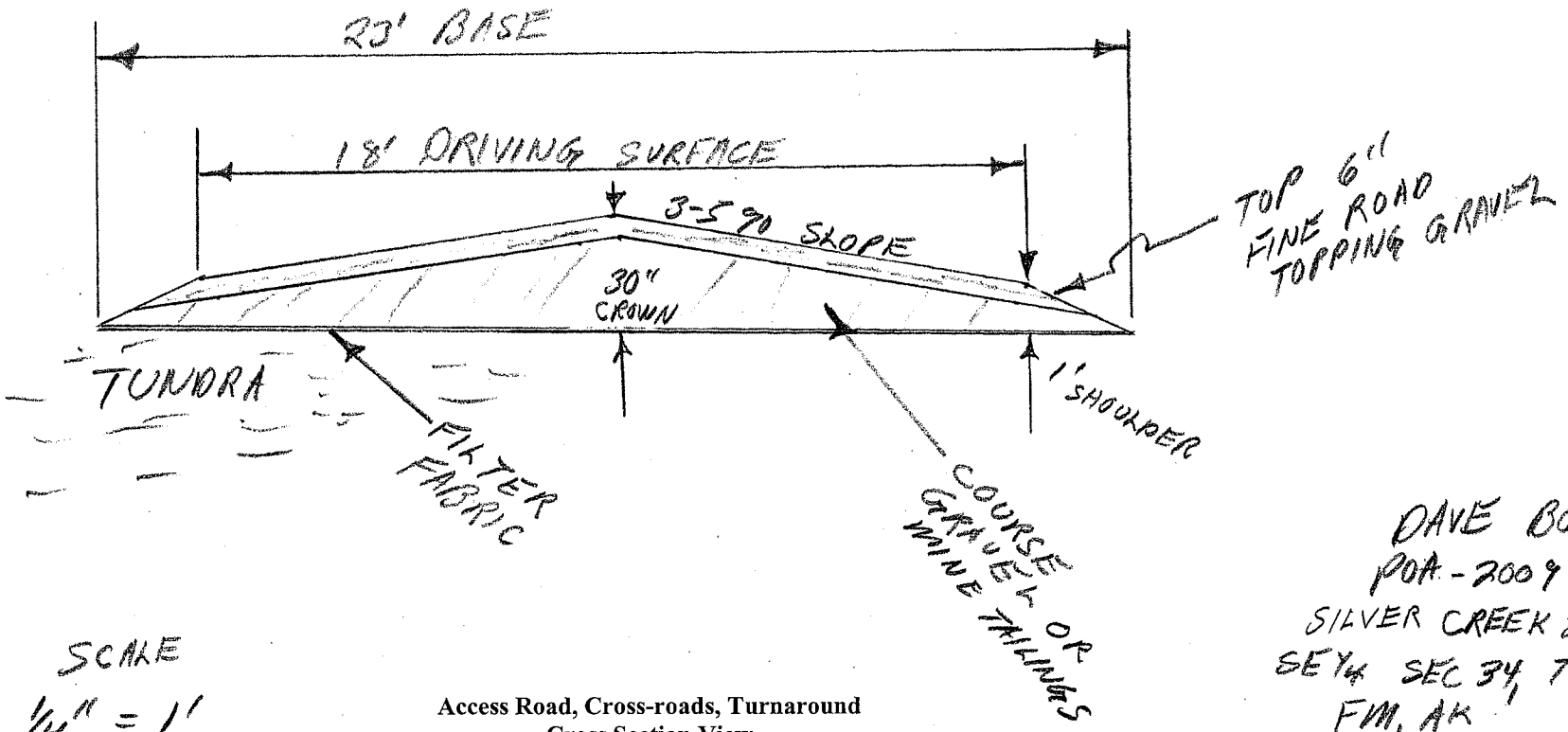
Phase I – Road Plan View



Phase II – Road Plan View

4/15/2009

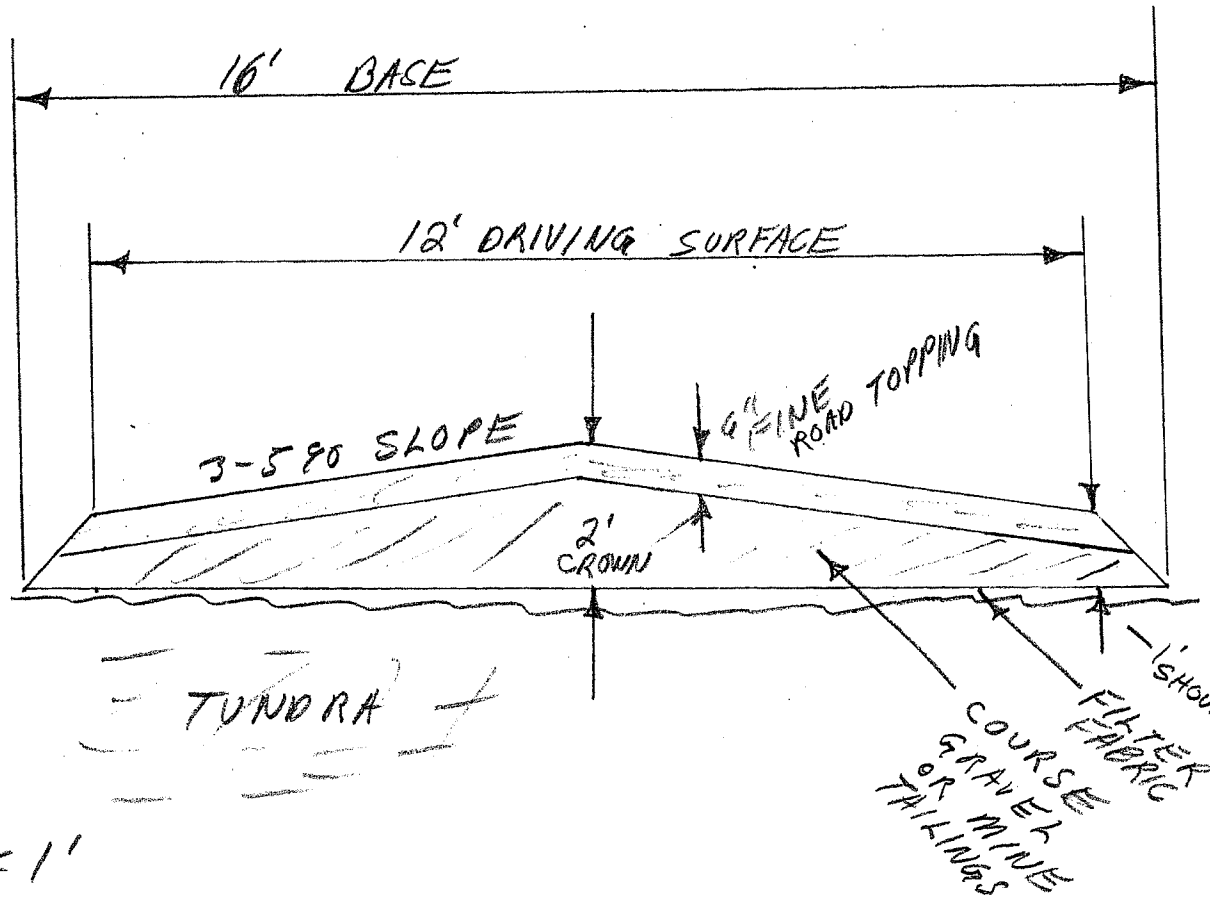
23' BASE PIONEER ROAD, CROSSROADS, & TURNAROUNDS CROSS SECTION



SCALE
1/4" = 1'

DAVE BOHART
POA-2009-165
SILVER CREEK SUBDIVISION
SE¼ SEC 34, T2N, R1W, FM, AK
4-9-09
GOLD STREAM DRAINAGE

16' BASE DRIVEWAY CROSS SECTION AND TURNAROUNDS

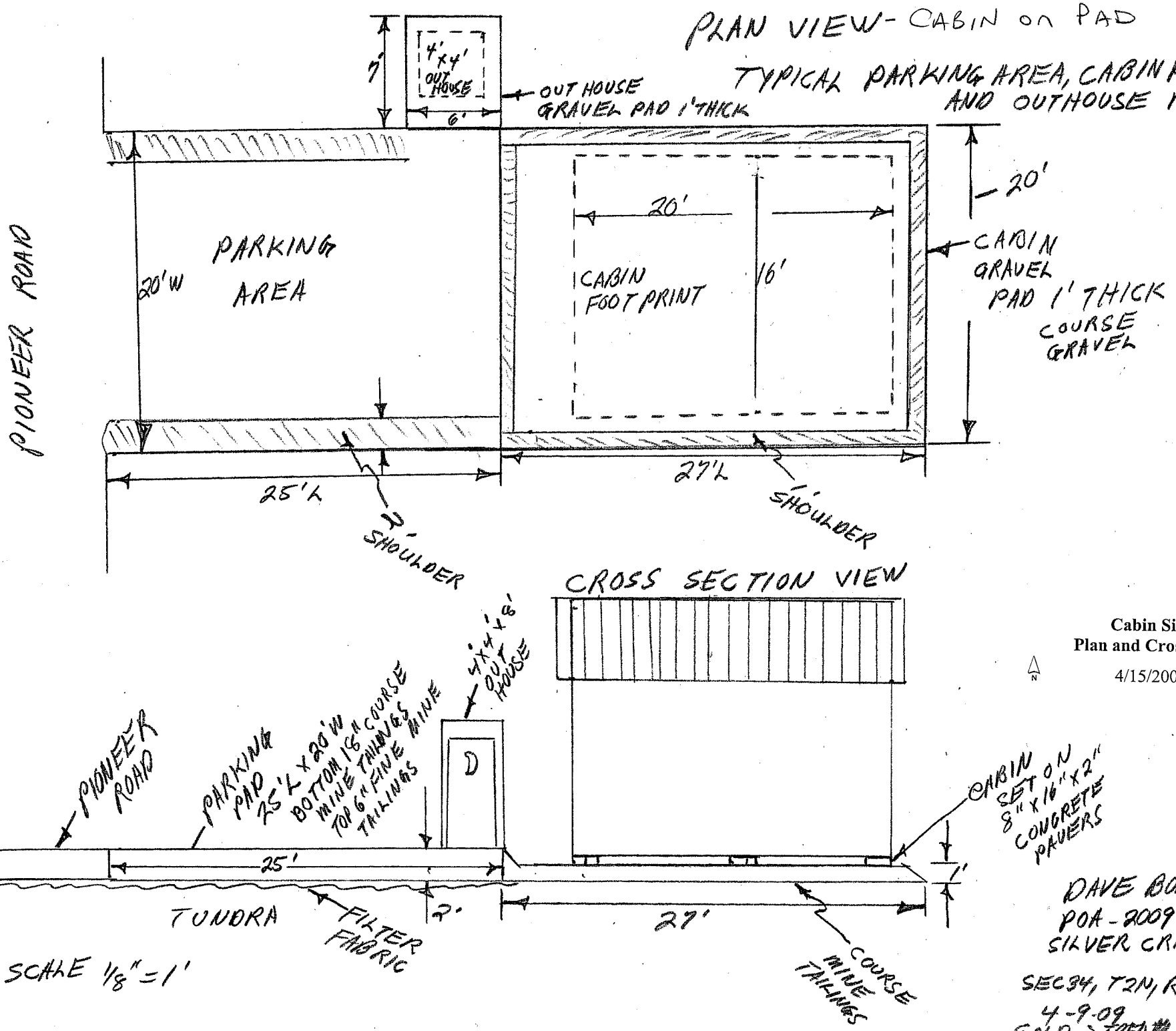


3/8" = 1'

Driveway and Turnaround Cross Section View

4/15/2009 Page 7 of 13

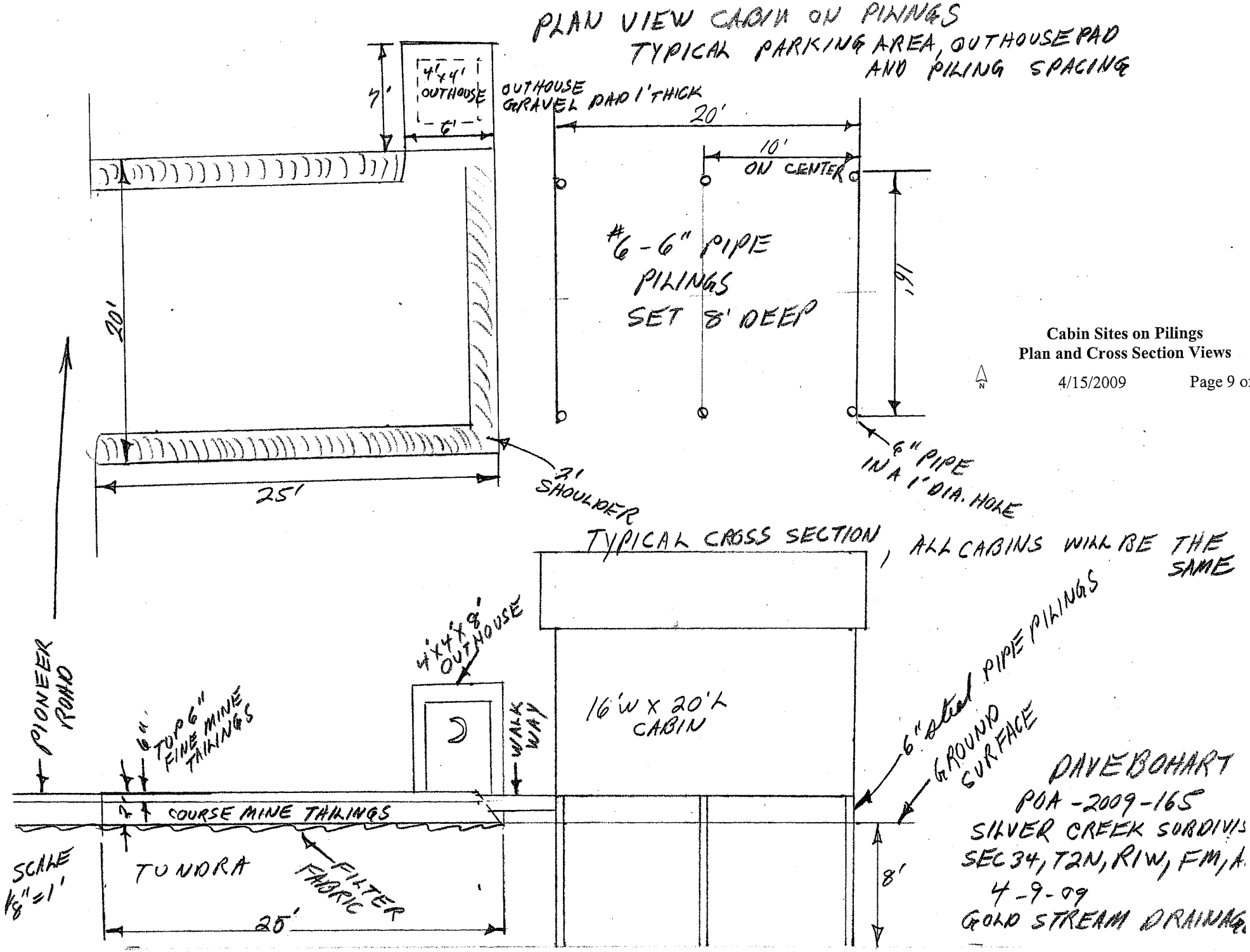
DAVE BOHART
POA-2009-165
SILVER CREEK SUBDIVISION
SE¼, SEC 34, T2N, R1W, FM, AK
4-9-09
GOLD STREAM DRAINAGE



Cabin Sites on Pads
Plan and Cross Section Views

4/15/2009

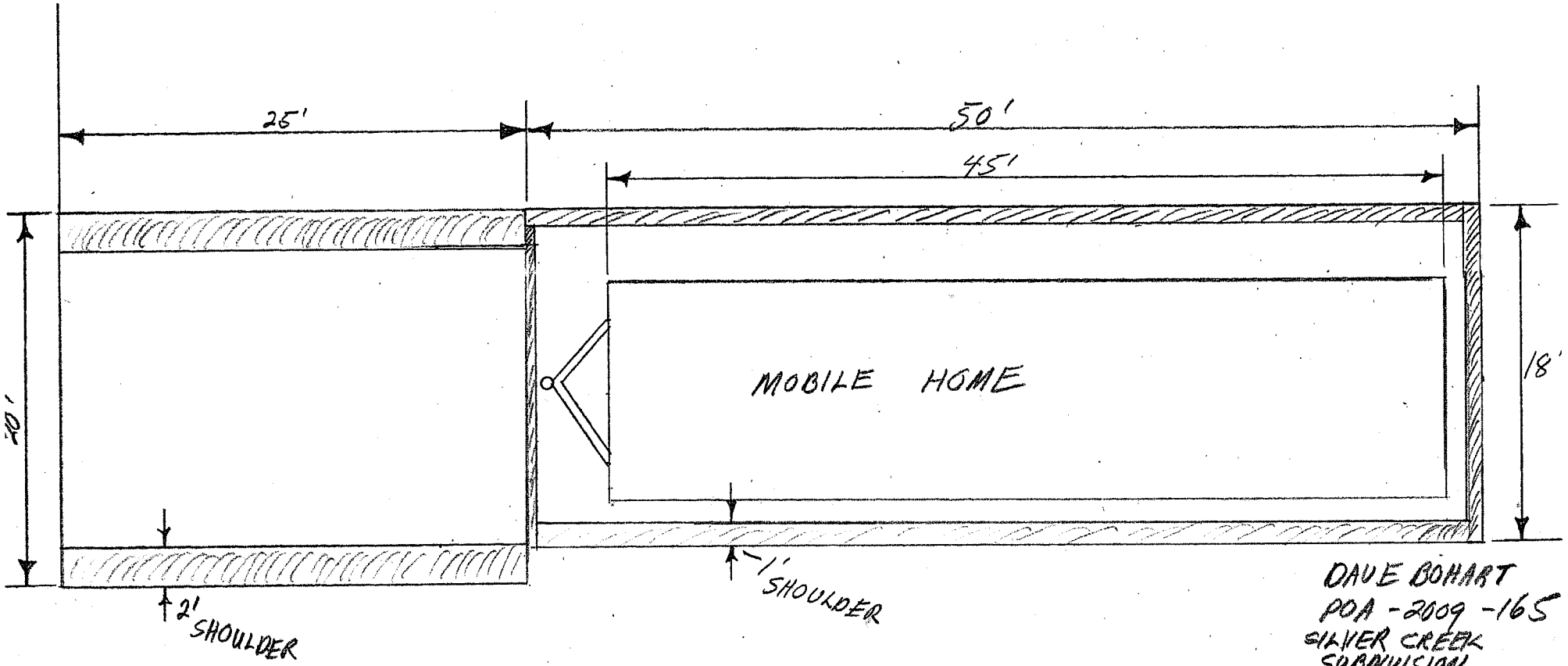
DAVE BOHART
POA-2009-165
SILVER CREEK SUBDIVISION
SEC 34, T2N, R1W, FM, AK
4-9-09
GOLD STREAM DRAINAGE

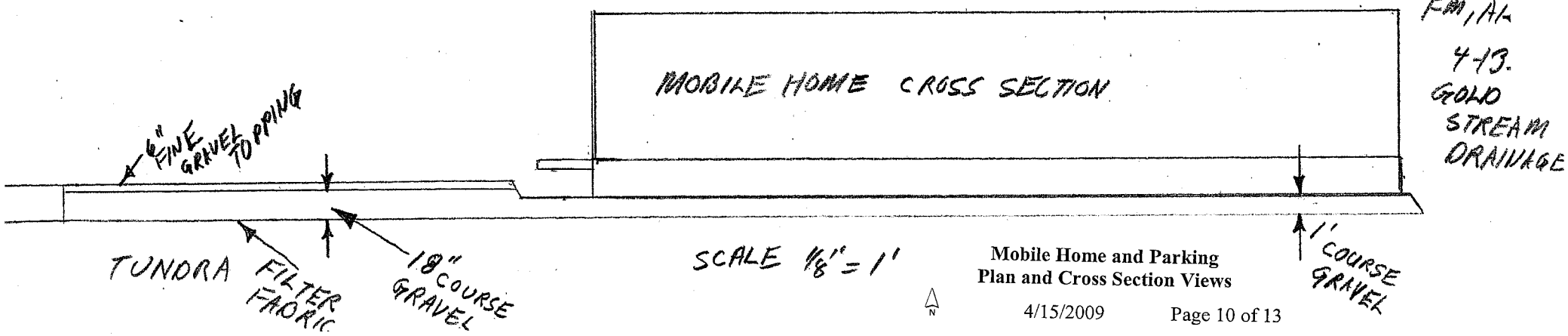


Cabin Sites on Pilings
Plan and Cross Section Views

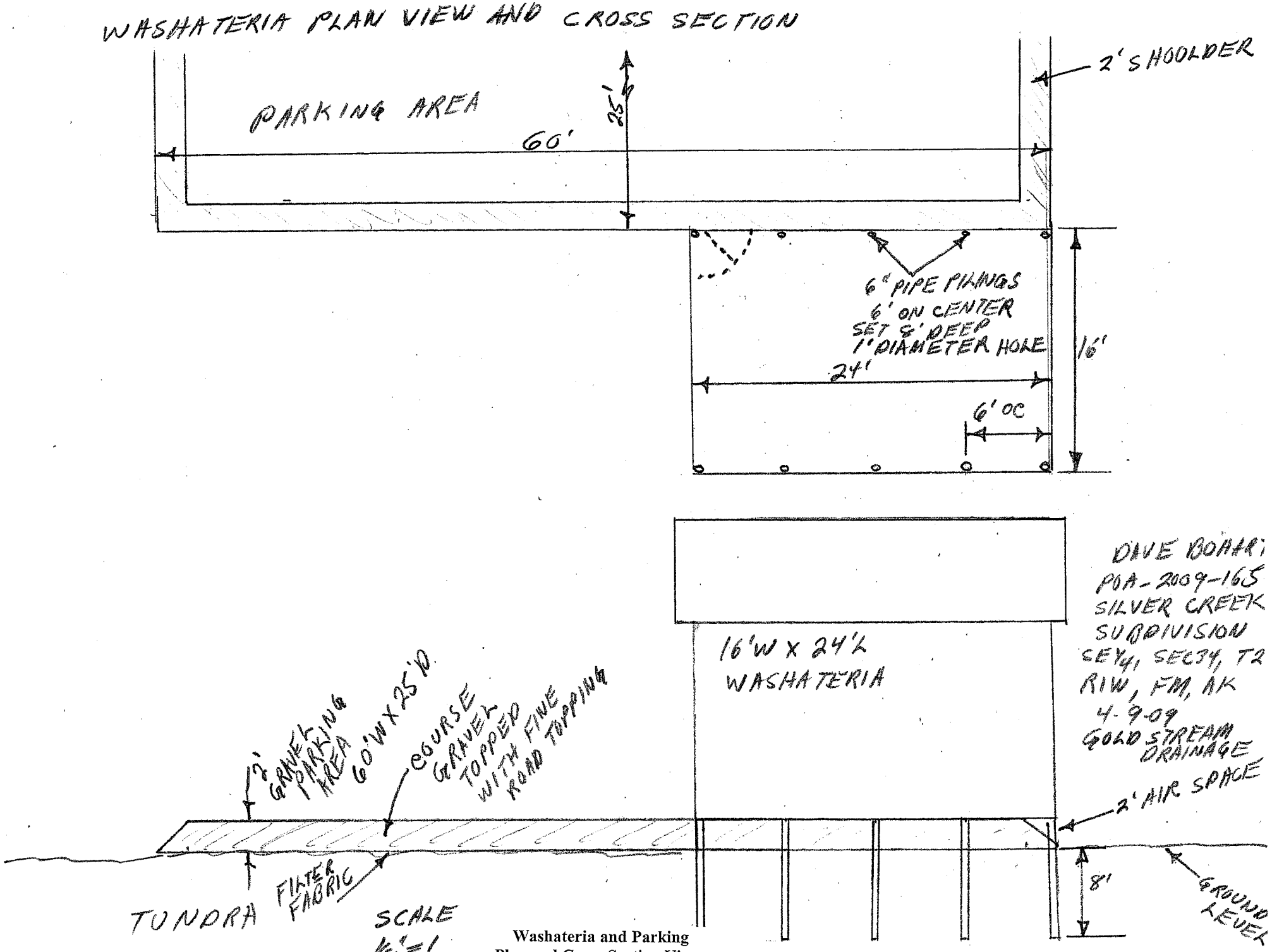
4/15/2009

CROSS SECTION AND PLAN VIEW OF MOBILE HOME AND PARKING PAD



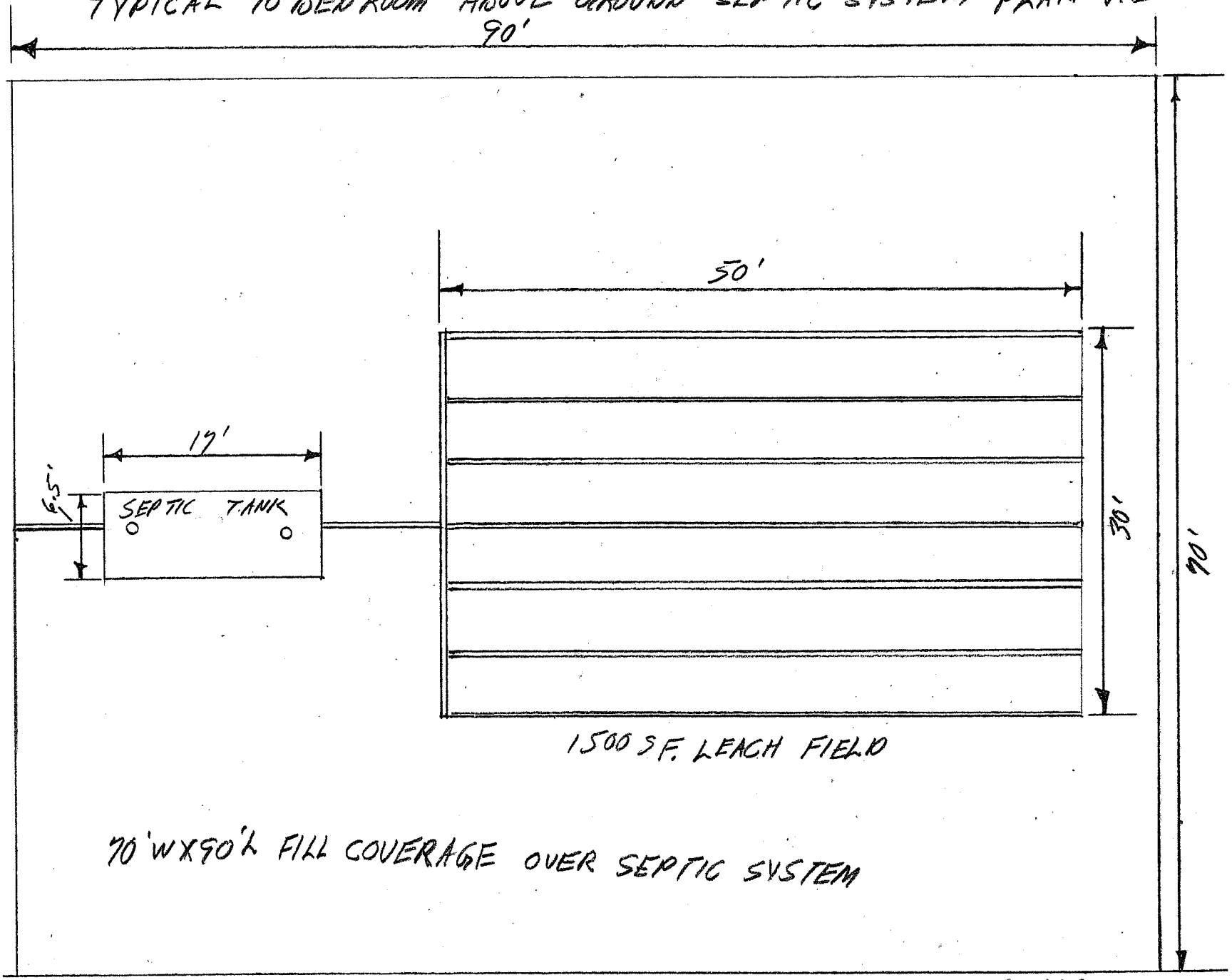


Mobile Home and Parking
Plan and Cross Section Views



Washateria and Parking
Plan and Cross Section Views

TYPICAL 10 BEDROOM ABOVE GROUND SEPTIC SYSTEM PLAN VIEW

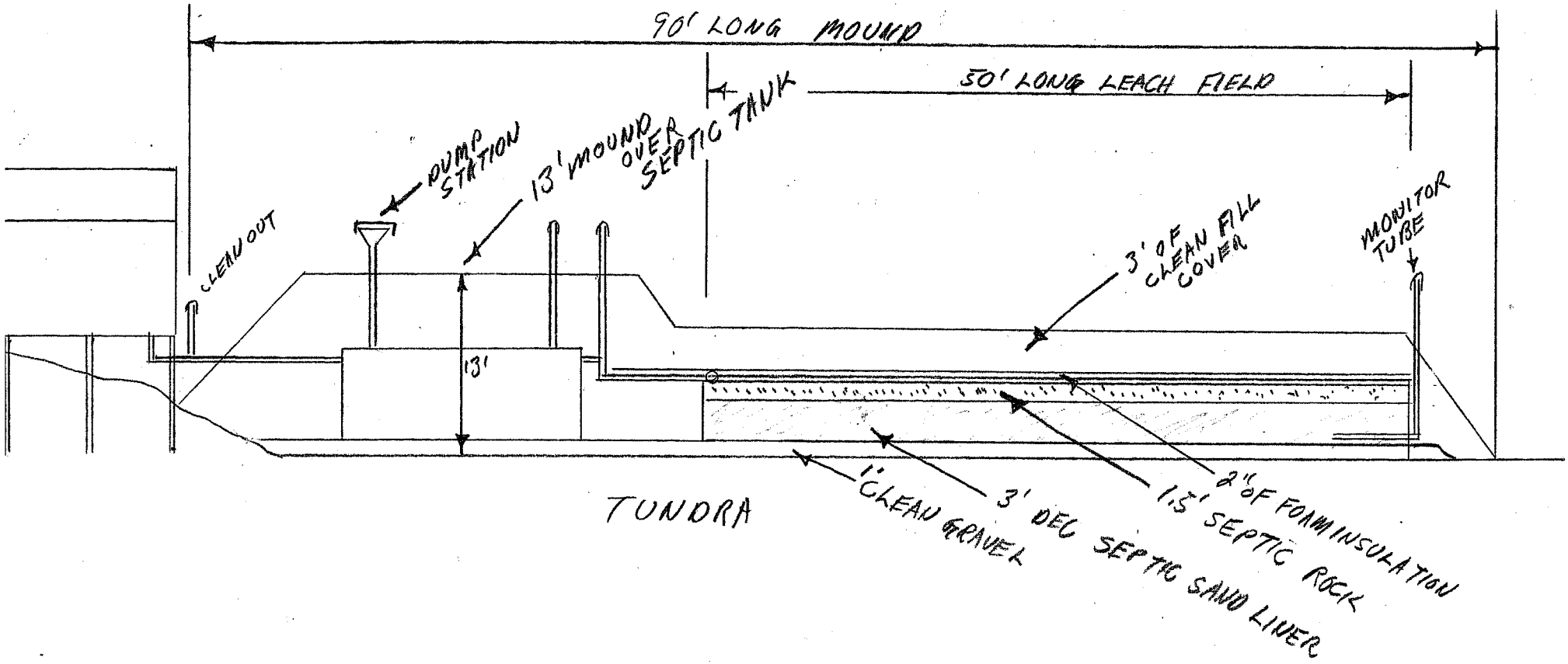


Typical Above Ground Septic System
Plan View

DAVE BOHART
POA - 2009-165

SCALE 3/32" = 1'

TYPICAL 10 BEDROOM MOUNDED SEPTIC SYSTEM CROSS SECTION



SCALE 3/32" = 1'

DAVE BOHART
POA-2009-165

Typical Above Ground Septic System
Cross Section View

N